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INFO RUCNIAD/IGAD COLLECTIVE
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NSC FOR MGA VIN, LETIM
DEPT PLS PASS USAID FOR AFR/SUDAN
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SENSITIVE
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SUBJECT: Sudanese Opposition to Use Lubna Hussein Trial as Rallying
Point Against Public Order Law

REF: A) KHARTOUM 1150 B) Khartoum 888 C) KHARTOUM 870 D) Khartoum
1020

11. (SBU) Summary: Lubna Hussein, accused of violating article 152 of Sudanese criminal code (indecent dress), was tried and convicted on September 7 in a proceeding at which she was not given an opportunity to enter a plea or to call witnesses in her defense. Mrs. Hussein, who was sentenced to pay a fine or serve a month-long jail term, chose incarceration, but was released on September 8 when the head of the Sudanese Journalists' Union, without Mrs. Hussein's consent, paid her fine. Forty-five bystanders waiting outside the trial were arrested under criminal provisions against rioting, then released. Dr. Miriam Sadiq, an Umma Party leader, said opposition parties would use the case to rally support for repeal of the Public Order Law. END SUMMARY.
Judge Conducts Truncated "Trial"

12. (SBU) Canadian Charge D'affaires, who attended the trial, told DCM that Judge Mutdhar El-Rasheed moved directly and unexpectedly from the pretrial phase, during which he heard statements from the prosecutor and police witnesses, to sentencing, without allowing Mrs. Hussein the chance to enter a plea or call witnesses in her defense. Canadian Charge also remarked that police testimony against Mrs. Hussein appeared to be rehearsed, and was full of contradictions on basic facts. He was most disturbed by the fact that the court ruled against diplomatic immunity for Mrs. Hussein without allowing the United Nations, for which Mrs. Hussein worked as a Public Affairs Officer, to present arguments that she indeed had such immunity. He noted that this does not bode well either for other UN locally engaged staff or those employed at diplomatic missions.
Hussein Unexpectedly Released

13. (SBU) After announcing the guilty verdict, the judge sentenced Mrs. Hussein to pay a 500 SDG fine or to spend a month in jail. Mrs. Hussein opted not to pay the fine, and to spend the month in prison. However, on September 8, she was released from prison for unknown reasons. The head of the Sudanese Journalists' Union made a statement to BBC that he had paid the 500 SDG fine on Mrs. Hussein's behalf. In response to his claim, Mrs. Hussein held an impromptu press conference in which she stated that she had been released from prison against her will, and without having seen any documentation that the fine had been paid. Prominent local physician Dr. Nahed Toubia, a supporter of Mrs. Hussein, told Poloff on September 8 that the man who claimed to have paid the fine was a "puppet of the Government."
Peaceful Protesters Arrested, Released

14. (SBU) Of the approximately 150 bystanders who waited outside the court during Mrs. Hussein's trial, forty-five were arrested by riot police. Dr. Toubia, who was among those arrested, told Poloff the protests were peaceful and quiet, despite intentional provocation

from courthouse security. "They called us prostitutes and other names," Dr. Toubia explained, "but we did not react." Dr. Toubia said that there were not enough police vehicles to remove all of the protesters, so the forty-five who were arrested volunteered to get into the single vehicle. The group included civil society leaders and nine prominent journalists.

15. (SBU) After spending several hours in jail, Dr. Toubia said those those arrested were told that Vice President Taha wished to pardon them for their crime. According to Dr. Toubia's account, they refused the offer. No bail was posted, but all were quietly released by authorities less than an hour after the trial concluded.

Dr. Toubia said that authorities claimed that someone had paid bail on behalf of the protesters.

16. (SBU) Umma Party Representative Dr. Miriam Sadiq told Poloff on September 8 that she had signed a guarantee that those arrested would appear at trial. According to Dr. Sadiq, all had been charged with "rioting" under Article 77 of Sudanese criminal code. Opposition Rallies Support Against Public Order Law

17. (SBU) Dr. Miriam Sadiq, speaking on behalf of the Umma Party, told Poloff on September 8 that opposition parties and civil society leaders intend to use Mrs. Hussein's cause as a rallying point for a campaign against the Public Order Law. Dr. Sadiq characterized the trial of Mrs. Hussein as one of many examples of gender-based harassment sanctioned by Sudanese law. "Protests will continue until the Public Order Law is repealed," Dr. Sadiq promised.

18. (SBU) Comment: Senior government officials are embarrassed by Mrs. Hussein's widely-publicized trial (ref. D). In a textbook exercise of civil disobedience, Mrs. Hussein appears to have trumped all of the Government's attempts to sweep her case under the rug. In the past, others suffering similar treatment have been persuaded

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to let their cases quietly fade from public view. Mrs. Hussein and her opposition supporters seem determined not to allow that to happen again. END COMMENT.